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9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11

12 *Matter of Jawsfood Co. Litigation*

13 Ref. No. 2018-F-2023
14

15 REQUEST FROM SOUTH KOREAN COURT
FOR INFORMATION FROM GOOGLE, INC.
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MISC. NO. 18-MC-80198 SK

**~~PROPOSED~~ ORDER GRANTING
APPLICATION FOR ORDER PURSUANT TO
TITLE 28 U.S.C. § 1782**

20 Pending before the Court is an application submitted by the United States Attorney pursuant to
21 28 U.S.C. Section 1782 concerning a request by a South Korean Court for information from Google,
22 Inc. ("Google"). At this time, the United States Attorney requests that the Court appoint Julie Bibb
23 Davis, Assistant United States Attorney, as Commissioner, and authorize AUSA Davis to serve Google
24 with a subpoena in accordance with the terms and conditions set forth below. The Court has reviewed
25 the application and supporting papers and documents, which show that Google does not oppose entry of
26 this proposed Order, but reserves its rights and objections to the underlying subpoena.

27 Pursuant to the power conferred on it under 28 U.S.C. § 1782, its inherent authority, and
28 pursuant to the agreement of the United States and Google, the Court hereby ORDERS that AUSA

ORDER GRANTING APPLICATION FOR APPOINTMENT

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CLARK, US DISTRICT COURT
NO. DIST. OF CAL

1 Davis is appointed as Commissioner, and is authorized to serve Google with a subpoena in accordance
2 with the following terms and conditions:

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4 1. Upon receipt of the subpoena, Google shall promptly make a diligent search for
5 reasonably available information identifying the name, address, and contact information registered by
6 the user(s) of the YouTube channel who posted Video ID AJgzTNjZeMo on or around July 4, 2017.

7 2. Within 7 calendar days from receipt of the subpoena, Google shall provide a copy of the
8 subpoena to the relevant hosts, providers, and users, and advise them that Google will respond to the
9 subpoena unless they file, within 14 calendar days from the date they receive the subpoena, an objection
10 or a motion to quash in this action, served on both Google and AUSA Davis.

11 3. Prior to production of the information described in paragraph 4, Google will provide
12 AUSA Davis with a redacted version of the responsive declaration or other document(s), with all
13 individual user information redacted. The parties will meet and confer as necessary regarding Google's
14 redacted response if the United States questions whether Google's response is sufficient to satisfy the
15 subpoena. Receipt of a redacted version of the responsive information by AUSA Davis shall not be
16 deemed an admission that Google's response is sufficient to satisfy the subpoena.

17 4. Subject to the limitation described in paragraph 2 of this Order, within 30 calendar days from
18 Receipt of the subpoena, Google shall produce the requested information to the extent it is reasonably
19 available, along with a notarized verification signed under penalty of perjury, directly to the South
20 Korean Court at the following physical address

21 National Court Administration
22 Republic of Korea
23 Attn: Director of International Affairs
24 219 Seocho-Daero, Seocho-Gu
25 Seoul, Korea, 06590

26 5. Within 7 calendar days from producing its response to the South Korean Court, Google shall
27 provide AUSA Davis with a notarized verification signed under penalty of perjury indicating the date on
28 which Google produced its response in compliance with this Order.

6. This Order does not preclude the United States from filing an amended petition for a further

1 order authorizing an amended subpoena requesting additional information from Google in the event the
2 South Korean Court requests additional information from Google after reviewing Google's response to
3 the subpoena authorized by this Order.

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5 IT IS SO ORDERED.

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7 DATED: Dec. 7, 2018


UNITED STATES MAGISTRATE JUDGE